

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PLANT PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications filed under 37 CFR 1.53(b))

Attorney Docket No.	70309P1
First Named Inventor	J. Oud
Title	Lobelia et al.
Express Mail Label No.	EF223058260US

ADDRESS TO:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

APPLICATION ELEMENTS

See MPEP chapters 600 & 1600 concerning plant patent application contents.

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original, and a duplicate for fee processing)
2. ☐ Applicant claims small entity status. See 37 CFR 1.27.
3. ☒ Specification [Total Pages 7]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross References to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Latin name of genus and species
 - Variety denomination
 - Background of the Invention
 - Brief Description of the Drawings
 - Detailed Botanical Description
 - A single claim
 - Abstract of the Disclosure
4. ☒ Color drawing(s) [Total Sheets 2]
(2 copies required - 37 CFR 1.165(b))
5. Oath or Declaration [Total Pages 2]
 - a. ☒ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 16 completed)
 - i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☒ Application Data Sheet. See 37 CFR 1.76.

ACCOMPANYING APPLICATION PARTS

7. ☐ Assignment Papers (cover sheet & document(s))
8. ☐ 37 CFR 3.73(b) Statement (when there is an assignee) ☒ Power of Attorney
9. ☐ English Translation Document (if applicable)
10. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
11. ☐ Preliminary Amendment
12. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
13. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
14. ☐ Request Nonpublication under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
15. ☒ Other: Credit Card Form

Note: Please state the Latin name and variety denomination of the plant claimed in a separate section of the specification.

16. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in the first sentence of the specification following the title, or in an Application Data Sheet under 37 CFR 1.76.

☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No.: _____

Prior application information: Examiner _____

Art Unit: _____

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

17. CORRESPONDENCE ADDRESS

☒ Customer Number: 22847 OR ☐ Correspondence address below

Name

Address

City

State

Zip Code

COUNTRY

Telephone

Fax

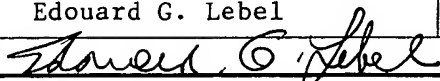
Name (Print/Type)

Edouard G. Lebel

Registration No. (Attorney/Agent)

43,742

Signature



Date

11-12-2003

This collection of information is required by 37 CFR 1.53(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

10/706714



111203

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL
for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$)**530.00****Complete if Known**

Application Number	TBD
Filing Date	November 12, 2003
First Named Inventor	J. Oud
Examiner Name	
Art Unit	
Attorney Docket No.	70309P1

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number
Deposit
Account
Name

50-1744

Syngenta

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☐ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	530.00
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	

SUBTOTAL (1) (\$)**530.00****2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE**

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code	Small Entity Fee Code	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2)

(\$)

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

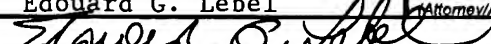
Fee Code	Fee (\$)	Fee Code	Fee (\$)	Fee Description	Fee Paid
1051 130		2051 65		Surcharge - late filing fee or oath	
1052 50		2052 25		Surcharge - late provisional filing fee or cover sheet	
1053 130		1053 130		Non-English specification	
1812 2,520		1812 2,520		For filing a request for <i>ex parte</i> reexamination	
1804 920*		1804 920*		Requesting publication of SIR prior to Examiner action	
1805 1,840*		1805 1,840*		Requesting publication of SIR after Examiner action	
1251 110		2251 55		Extension for reply within first month	
1252 420		2252 210		Extension for reply within second month	
1253 950		2253 475		Extension for reply within third month	
1254 1,480		2254 740		Extension for reply within fourth month	
1255 2,010		2255 1,005		Extension for reply within fifth month	
1401 330		2401 165		Notice of Appeal	
1402 330		2402 165		Filing a brief in support of an appeal	
1403 290		2403 145		Request for oral hearing	
1451 1,510		1451 1,510		Petition to institute a public use proceeding	
1452 110		2452 55		Petition to revive - unavoidable	
1453 1,330		2453 665		Petition to revive - unintentional	
1501 1,330		2501 665		Utility issue fee (or reissue)	
1502 480		2502 240		Design issue fee	
1503 640		2503 320		Plant issue fee	
1460 130		1460 130		Petitions to the Commissioner	
1807 50		1807 50		Processing fee under 37 CFR 1.17(q)	
1806 180		1806 180		Submission of Information Disclosure Stmt	
8021 40		8021 40		Recording each patent assignment per property (times number of properties)	
1809 770		2809 385		Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770		2810 385		For each additional invention to be examined (37 CFR 1.129(b))	
1801 770		2801 385		Request for Continued Examination (RCE)	
1802 900		1802 900		Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**SUBMITTED BY**

(Complete (if applicable))

Name (Print/Type)	Edouard G. Lebel	Registration No. (Attorney/Agent)	43,742	Telephone	919-765-5117
Signature		Date	11-12-2003		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Lebel Edouard USRE

From: Dekker Jolanda NLEN
Sent: Thursday, August 07, 2003 5:15 AM
To: Lebel Edouard USRE
Subject: Plant Patent Lobelia 'Loboudtis'

70309

Dear Edouard,

Please find herewith a plant patent application as well as an electronic photograph of our Lobelia variety 'Loboudtis'.

We will send large photographs, according to the US PTO rules, by post.

Please check if this is okay and send us the assignment and other documents for the breeder to sign.

Thanks and best regards,

Jolanda



Plant Patent.doc



LE047Exp SG30036
Loboudtis.jpg...

Lebel Edouard USRE

From: Dekker Jolanda NLEN
Sent: Tuesday, August 26, 2003 11:20 AM
To: Lebel Edouard USRE
Subject: RE: Plant Patent Lobelia 'Loboudtis'

Hi Edouard,

The inventor is Johan Oud. You have his personal data in other Lobelia applications. Sorry I forgot to mention this when I sent you the request in the first place.

Best regards,

Jolanda

-----Original Message-----

From: Lebel Edouard USRE
Sent: vrijdag 15 augustus 2003 21:45
To: Dekker Jolanda NLEN
Subject: RE: Plant Patent Lobelia 'Loboudtis'

Dear Jolanda,
who is the inventor for this application, and when is the deadline to file?

Thanks and best regards,
Edouard

-----Original Message-----

From: Dekker Jolanda NLEN
Sent: Thursday, August 07, 2003 5:15 AM
To: Lebel Edouard USRE
Subject: Plant Patent Lobelia 'Loboudtis'

Dear Edouard,

Please find herewith a plant patent application as well as an electronic photograph of our Lobelia variety 'Loboudtis'.

We will send large photographs, according to the US PTO rules, by post.

Please check if this is okay and send us the assignment and other documents for the breeder to sign.

Thanks and best regards,

Jolanda

<< File: Plant Patent.doc >> << File: LE047Exp SG30036 Loboudtis.jpg >>

United States Plant Patent

Lobelia erinus named 'Loboudtis'

Inventor Syngenta Seeds B.V. Enkhuizen, Netherlands

Assignee Syngenta Seeds B.V. Enkhuizen, Netherlands

Application No.

Abstract

A new Lobelia plant particularly distinguished by its spreading plant habit, strong branching, large flower size and light blue flower color.

We claim

A new and distinct variety of Lobelia plant, named Loboudtis, as illustrated and described.

Background of the new plant

The present invention relates to a new and distinct cultivar of Lobelia plant.

The new cultivar is propagated by cuttings resulting from the cross between R616 and Z925.

R616 is a light blue flower color selection of own breeding, having a spreading plant habit ,rather strong growth ,good branching planthabit and being early flowering.

Z925 is a blue flower color selection of own breeding, having a strong growth ,trailing planthabit and being early flowering.

Neither R616 or Z925 has been patented.

As a result of this cross the present cultivar was created in 2000 in Enkhuizen, Netherlands and has been repeatedly asexually reproduced by cuttings in Enkhuizen over a 2 year period.

Is has been found to retain its distinctive characteristics through successive propagations and this novelty appears to be firmly fixed.

Description of the photograph

This new Lobelia plant is illustrated by the accompanying photograph which shows blooms, buds and foliage of the plant in full color, the color shown being as true as can be reasonably obtained by conventional photographic procedures.

Description of the new cultivar

The following detailed descriptions set forth the distinctive characteristics of this new Lobelia.

The data which defines these characteristics were collected from asexual reproductions carried out in Enkhuizen, Netherlands. The plant history was taken on 12 weeks old plants.

Specification of differences with most resembling variety

Characteristic	Loboudtis	Blue Star	Ricardii
- plant height	10 cm	10 cm	10 cm
width	30 cm	35 cm	35 cm
shape	spreading	spreading	spreading
- flower color upper surface	95C	95B	95B
lower surface	95C	100A	95B
flower tube	96D	95C	96D

No descriptions of parentlines are available. The only info is mentioned as background of the new plant on page 1.

The Plant

Classification	- Botanical	:	<i>Lobelia erinus</i>
Parentage	- Female parent	:	A seedling named R616 is one of our seedlings from our R-generation of plants bred in 1991.
	- Male parent	:	A seedling named Z925 is one of our seedlings from our Z-generation of plants bred in 1998.
Growth habit		:	Spreading
Plant height		:	10 cm
Spreading area of plant		:	30 cm
Growth rate		:	Strong growth
Strength		:	Good ,exellent
Branching Character		:	Freely branching and lateral branching at every node Pinching will enhance branching. Branches strong and flexible
Blooming period		:	From May till October

The stem

Diameter		:	2.0 mm
Texture		:	Smooth, slightly pubescent, glossy
Color RHS		:	RHS 147A
Length of internode		:	15 mm, depending on the light conditions where the plant is propagated
Shape		:	(Tri)angular

The Foliage

Shape		:	Leaves simple, generally symmetrical and flat. Broadly ovate with rounded apex, obtuse to attenuate base and crenate margin
Texture		:	Slightly pubescent, glossy
Length		:	Young 40 mm, fully expanded 55 mm
Width		:	Young 10 mm, fully expanded 16 mm
Colour	- Upper surface	:	RHS 147A
	- Lower surface	:	RHS 147A

The Flower

Type and habit		:	Flower form at apical axils, usually one flower per axil. Flowers labiate, upper lip consisting of two small petals and lower lip consisting of three larger and broader petals. Petals are fused at base into a tube. Freely and continuously flowering. Flowers face outward. Flowers persistent. Texture, slightly pubescent. Oblong shape with acute apex and entire margin.
----------------	--	---	--

Flower	- Width	: Upper petals 1 mm, lower petals 6 mm
	- Length	: Upper petals 5 mm, lower petals 11 mm
	- Depth	: 8 mm
Texture		: Smooth, pubescent
Buds	- Length	: 7 mm
	- Diameter	: 2 mm
	- Form	: Tubular
	- Color	: Light green
Flower color	- Upper surface	: RHS 95C
	- Lower surface	: RHS 95C
	- Flower tube	: RHS 96D
Sepals	- No. of sepals	: 5
	- Length	: 6 mm
	- Width	: 0.5 mm
	- Texture	: Smooth, slightly pubescent
	- Color	: RHS 146A
Flower stem	- Length	: 20 mm
	- Angle	: Upright
	- Strength	: Rigid, flexible
	- Color	: RHS 147A
Flower throat	- Color	: Upper RHS 96D Lower RHS 96D, spots RHS 95B
	- Texture	: Whiskered

Reproductive organs

Androecium	- Stamen number	: 5
	- Anther shape	: Oblong
	- Anther length	: 1 mm
	- Pollen color	: RHS 202B
	- Amount of pollen	: Moderate
Gynoecium	- Pistel length	: 9 mm
	- Stigma shape	: Bilobate
	- Stigma diameter	: 1 mm
	- Stigma color	: N87A
	- Style color	: Light green
	- Ovary color	: RHS 146A

Seed development

Some seed development has been observed on plants of the new Lobelia.

Seed colour : brown

Seed shape : round

Fruitsize diameter 2 mm

length 4 mm

Fruitcolor RHS 147 A

Disease resistance

No susceptibility nor resistance to fungal, bacterial or viral pathogens has been noted. Material is free of virus.